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May 25, 2005

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Agenda No. 67
04/05/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
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Los Angeles, California 90012

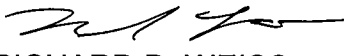
**Re: CONDITIONAL USE PERMIT NUMBER 01-241-(5)
FIFTH SUPERVISORIAL DISTRICT - THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which seeks to authorize the continued use of an existing unpermitted winery and appurtenant uses in the Soledad Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit with revised conditions and directed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
for RICHARD D. WEISS
Assistant County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/

Enclosures

**FINDINGS OF THE BOARD OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 01-241-(5)**

1. The applicant is requesting a conditional use permit ("CUP") to authorize continued use of an existing unpermitted winery to be relocated to a new building on a portion of the subject property, zoned A-1-1 (Light Agriculture – one acre minimum lot size), and to increase annual wine production from 15,000 to 50,000 gallons. The applicant is also requesting authorization to conduct winery tours and tasting, wine bottling, retail sales, 18 annual special events with a maximum of 200 guests per event, one single-family residence, one temporary office trailer, a sports and activity field, a water well to serve two parcels, and the sale of wine for on- and off-site consumption. The site is located at 9640 Sierra Highway, Agua Dulce, in the Soledad Zoned District.
2. Zoning on the site is A-1-1 and C-3 (Unlimited Commercial). Pursuant to Section 22.24.100 of the Los Angeles County Code ("County Code"), a winery is permitted in the A-1 zone, provided a conditional use permit is obtained and subject to the requirements of Section 22.56.225 of the County Code. Pursuant to Section 22.28.180 of the County Code, retail stores are permitted by right in the C-3 zone.
3. The property owner was cited by the Department of Regional Planning Zoning Enforcement for establishment of a winery in the C-3 zone. A Clean Hands Waiver was issued in 2001 by the Planning Director to allow the continued operation of the winery while the CUP application was being processed to relocate the winery to the A-1 zone. A number of conditions were included in the Clean Hands Waiver, which was subsequently revised in 2002. In April of 2003, the Clean Hands Waiver was revoked due to noncompliance with the Clean Hands Waiver conditions and the discovery by enforcement staff of additional violations. A new Clean Hands Waiver was issued by the Planning Director in June 2003 and again revised in December 2003 to permit the operation of the facility pending final action on the application.
4. A zone change, land division, and CUP were approved in 1992 on a total of 196 acres, of which the subject property is a portion, to authorize subdivision and development of 79 single-family residential lots and four public facility lots. The zone change was a request to change the zoning on the property from A-1-10,000 (Light Agricultural, 10,000 square foot minimum lot size) and C-3 to A-1-2 (Light Agricultural, two acre minimum lot size). The tract subsequently expired and a revised tract map and CUP were filed in 1998 for 65 single-family lots and one public facility lot. The revised project was withdrawn on November 1, 2004. The two winery parcels which are the subject of this application are part of the land which was the subject of these prior land use cases.

5. The surrounding properties are zoned as follows:
 - North: C-3, A-1-10,000
 - South: A-1-10,000
 - East: A-2-1 (Heavy Agricultural, one-acre minimum lot size)
 - West: A-1-10,000
6. Surrounding properties contain the following uses:
 - North: single-family residences, market, used car sales, vacant land
 - South: single-family residences, vacant land
 - East: single-family residences, vacant land
 - West: single-family residences, vacant land
7. The subject property is designated Non-Urban 1 in the Santa Clarita Valley Areawide Plan ("SCVAP"). This designation allows residential development at a density up to 0.5 units per acre. Non-residential uses listed in the plan, including "local and highway-oriented commercial and industrial uses to serve the needs of local residents and travelers" and "agricultural activities including livestock grazing, bee-keeping, orchards, and vineyards" may be permitted in Non-Urban designated areas provided that the following conditions are met:
 - A. "The proposed use should be located and designed so as not to conflict with established or planned community land use and circulation patterns. Whenever necessary, the proposed use should be located and designed so as to provide an appropriate buffer between potentially disruptive, polluting or hazardous uses, and surrounding lands." The project site is located on a major highway and the site is buffered from adjacent residences by vineyards, with the exception of the sports field and children's area. The applicant will be required to install a landscaped buffer adjacent to the activity field and children's area to buffer this area from adjacent residential properties;
 - B. "The necessary public services and infrastructure should be in or readily available, including appropriate sewage disposal facilities and water for domestic use as well as firefighting. In areas lacking public services, it shall be demonstrated that the development proposal will not require an unusual public investment. Those improvement costs which benefit only a particular development should be borne by that development, while costs of improvements beneficial to a greater segment of the overall community

should be shared by the community." The environmental review of the proposal identified potential impacts related to sewage disposal and water supply and mitigation measures will be implemented to reduce these impacts to a less than significant level. These mitigation measures include demonstration of private sewage disposal feasibility to the Department of Health Services ("DHS") prior to construction, connection to public sewers if they become available within 200 feet of any portion of the winery site, demonstration of adequate sustainable water supply prior to issuance of building permits, limits on groundwater extractions, and use of reclaimed water when it becomes available;

- C. "The proposed use shall be located in areas deemed suitable from an ecologic, geologic, and topographic standpoint. The design must minimize the environmental and geologic impacts of the project and preclude groundwater contamination." The site is not located in an environmentally sensitive area, is relatively flat, and does not contain geologic hazards. The Initial Study identified no environmental or geotechnical impacts. Mitigation measures will be implemented to ensure that groundwater is not contaminated, including use of permeable surfaces where possible, compliance with National Pollutant Discharge Elimination System requirements and DHS review of all proposed private sewage disposal systems;
- D. Access, egress, and on-site parking should be provided in a manner which maximizes safety and minimizes adverse impacts on surrounding land use patterns. Convenient all-weather access will be required for firefighting purposes." The site is accessed directly from Sierra Highway, approximately 400 feet west of Caprock Road. Secondary access points are depicted on the plans via Caprock Road approximately 200 feet south of Sierra Highway and in two locations along Sierra Highway west of the primary access point. The site plan depicts a provision of 38 parking spaces to accommodate the retail building and winery, in compliance with County Code requirements. Parking lot access and driveways around buildings will be all-weather access, utilizing permeable surfaces where possible. The conditions of approval will require that security personnel and barricades are placed on Caprock Road to avoid adverse impacts to the Sierra Colony neighborhood;
- E. "The design and location of the project should insure that the transport of toxic, explosive, or otherwise hazardous substances will avoid existing or planned (as shown on the adopted SCVAP) residential communities. Building and site design of any potentially volatile or otherwise hazardous land use should consider as its prime objective the health, safety and welfare of the community in which it is situated or to which it is proximate." The facility occasionally utilizes pesticides, fungicides, and herbicides to eradicate pests, fungi, or weeds. The applicant has indicated that these

agents are only used when needed, generally only a few times per year, rather than being systematically sprayed on the vines. The agents that are used are classified as "Type 1" substances, the lowest regulatory level, and their use is monitored by the County Department of Agricultural Commissioner/Weights and Measures. When needed, the agents are delivered to the site by the seller/distributor. The most recently issued Clean Hands Waiver includes a condition that the Sierra Paloma Valley Municipal Water Company, representing the adjacent homeowners, be notified in writing at least four days in advance of any spraying of herbicides or pesticides and that spraying not occur on windy days. Although this notification would not be required of typical permitted agricultural uses in agricultural zones that would likely utilize these agents as well, such notification is warranted in this case given the proximity of adjacent residences to the vineyards. With these controls in place, the proposal will be consistent with this policy;

- F. "The proposed site should be appropriately landscaped, fenced, and screened to minimize the visual impact on surrounding and overlooking residences. Particular consideration shall be given to noise, odor, lights, and traffic impacts on neighboring development." The winery buildings are located approximately 400 feet north of adjacent residential properties. The wine processing and storage building is buffered from these properties by vineyards; however, the retail sales and storage building is not screened from the adjacent residential properties. The sports and activity field, special event parking area, and children's area are located between this building and adjacent residential properties. The applicant will be required to install a landscaped buffer at the property line to screen these uses from adjacent residences in order to demonstrate compliance with this policy;
- G. "Consideration should be given to appropriate hours of operation." The applicant has proposed hours of operation between 10:00 a.m. and 7:30 p.m. for the retail operation and, during the harvest season, operation is proposed from sunrise to sunset. The Board has determined that these are appropriate hours of operation for a facility of this nature. Additionally, the conditions will limit special events to wine-tasting events that do not exceed one day in duration, nor more than two events per month;
- H. "Outdoor advertising should be designed in such a way as to minimize negative impacts on adjacent properties." The site plan depicts two freestanding signs, one on either side of the main entrance. Detailed height and area plans have not been submitted; however, all proposed signage will be evaluated to ensure compliance with County Code requirements;

- I. "Where appropriate, undergrounding of all local utilities is desirable." Consistent with this policy, a condition has been included in the grant which will require the applicant to install all existing and new utility lines along the property frontage underground in the event the Department of Public Works ("DPW") plans to construct full width highway improvements on Sierra Highway;
 - J. "The ability of major and secondary highways to serve as escape routes and to accommodate seasonal recreational traffic from outside the areas shall be considered in reviewing the development proposal, particularly with proposals for uses involving volatile/hazardous materials." Significant traffic impacts were not identified during the environmental review of the project; therefore, escape routes and recreational traffic should not be affected;
 - K. "In identified hazard areas, the design of proposed developments should include use of appropriate hazard mitigating or avoidance measures":
 - i. "Fire: In identified brush fire hazard areas, mitigation techniques should include use of fire-retardant materials, brush clearance, a design which provides for a defensible perimeter, and implementation of a suitable emergency access plan."

The property is located in a brush fire hazard area (Fire Zone 4) and, if approved, will be required to implement all of the above measures, as listed in the Mitigation Monitoring Program; and
 - ii. "Flood: Development should be designed so as to not interfere with natural drainage during severe storms nor become endangered by such runoff. Wherever appropriate, natural watercourses in rural areas should be retained in as natural a state as possible, minimizing modification of the natural carrying capacity or production of excess situation."

A drainage concept was approved by DPW in connection with the environmental review of the project. A mitigation measure has also been recommended requiring compliance with the drainage concept/SUSMP that was conceptually approved on July 23, 2003.
8. The project complies with the following SCVAP policies, which are applicable to the project:

Land Use Element

- 1.4 "Promote a balanced, autonomous community with a full range of public and commercial services and a wide variety of housing and employment opportunities to minimize the dependency upon southern Los Angeles County and to reduce long distance commuting and its impacts upon gasoline consumption and air pollution." The winery facility contributes to the creation of an autonomous community due to the employment opportunities provided.
- 2.1 "Accommodate population and land use growth in a concentrated, rather than dispersed, pattern, providing for a broad range of densities and types of uses." The property is located adjacent to existing development, both residential and commercial, and will contribute to the range of use types in the area.
- 2.2 "Determine future land use growth in the Santa Clarita Valley by considering the following criteria:
 - a. Sensitivities of natural environmental systems;
 - b. Hazards or constraints of natural environmental systems of land use;
 - c. Infrastructure and service capacities; and
 - d. Need for project."

The applicant has agreed to comply with the proposed mitigation measures which place limits on the operation in response to natural physical constraints and capacities. As previously indicated, the facility provides local employment and will attract visitors to the area, representing a need for the facility. In addition, many of the support letters received during the consideration of the proposal discuss civic and community-oriented services in which the facility has been involved since its establishment.

- 2.3 "Concentrate land use growth in and adjacent to existing urban, suburban, and rural communities. Within these areas, encourage development of bypassed lands designated and appropriate for development." The winery is located within an existing rural community.
- 6.1 "Encourage the appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational, and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community." The facility is located adjacent to an

existing commercial area and the vineyards serve as a transition and buffer between the commercial operation of the winery and the adjacent residences. Additional buffering will be required adjacent to the sports and activity field and children's area.

Public Services and Facilities Element

- 1.1 "Develop and use groundwater sources to their safe yield limits, but not to the extent that degradation of the groundwater basins occurs." Potential impacts to groundwater supply were identified during the environmental review of the project and mitigation measures will be implemented to reduce these impacts to a less than significant level. These mitigation measures include an annual limit on groundwater extraction (57 acre feet or approximately 18,575,000 gallons) and use of reclaimed water when available.
9. The site plan depicts two separate parcels encompassing the winery and vineyards. The main access point to the winery facility is depicted via Sierra Highway, approximately 400 feet west of Caprock Road. Directly south of this access point, the site plan depicts the existing 8,721 square-foot retail sales and storage building with a 38-space parking lot depicted between the building and Sierra Highway. The proposed 16,500 square-foot wine processing and storage building is depicted to the east of the retail building and a 35-space unpaved special event parking lot is depicted between this building and Sierra Highway. Depicted south of the retail building are a sports and activity field, a 100-space unpaved parking lot for special events, and a children's area. The remaining land is depicted as vineyards, with the exception of an existing 5,000 square-foot residence located approximately 700 feet west of the retail building and two water storage tanks (one 7,500-gallon tank and one 20,000-gallon tank) located approximately 400 feet northeast of the residence.

Depicted on the western parcel are additional vineyards with three proposed 1,000 square-foot caretaker's mobile homes located approximately 1,100 feet south of Sierra Highway; an existing 2,400 square-foot barn south of the caretaker's residences; and an existing water well facility located approximately 500 feet north of the southerly property line and consisting of a 20,000-gallon water tank, a 25 horsepower pump, a 500-gallon diesel fuel tank, and a 175 kilowatt generator. A proposed 3,500-gallon water tank for fire protection is also depicted adjacent to and west of the three caretaker's residences.

A recorded access easement is depicted between the two winery parcels traversing the intervening vacant parcel.

10. The proposed use complies with all applicable development standards of the A-1 zone, as provided in Section 22.24.110 of the County Code, as follows:
 - A. The required 20-foot front yards, 15-foot rear yards, and 5-foot interior side yards are provided, as depicted on the site plan, with the possible exception of the children's area, which is depicted directly adjacent to the rear property line of the easterly parcel. The applicant will be required to comply with the rear yard requirement by installing a 15-foot landscaped buffer at this location;
 - B. The existing single-family residence on the site is in compliance with the requirements of the R-1 zone; and
 - C. The 90-acre property is in compliance with the 10,000 square-foot required area.
11. The proposed use complies with all applicable development standards of the C-3 zone, as provided in Section 22.28.220 of the County Code, as follows:
 - A. The C-3 zone on the property covers approximately one acre of land. The site plan depicts the existing 8,721 square foot retail and storage building being the only structure within this zoning designation, with the remainder of the area in this zone, with the exception of the parking lot and two water tanks, being used for vineyards. Based on this information, the 90 percent maximum lot coverage and ten percent minimum landscaping requirements have been met;
 - B. Parking for a winery is not specified in the County Code. Pursuant to Section 22.52.1220 of the County Code, the Commission shall determine the amount of parking necessary to prevent traffic congestion and excessive on-street parking. As the primary use of the site will be commercial in nature, the Commission will require parking based on the size of the retail building. The applicant has indicated that wine processing is largely automated and requires a maximum of one regular employee and one consulting winemaker who periodically visits the site to oversee the winemaking process. This level of use of the processing facility does not warrant additional required parking for wine processing employees. Parking will be available in the unpaved overflow lots for the additional temporary employees working on the site during the harvest season, if necessary.

Parking for commercial uses is required at a ratio of one space per 250 square feet of floor area of the commercial building; therefore, 35 spaces are required to accommodate the 8,721 square-foot retail building. Two of these spaces must be handicapped-accessible, with one of these being van-accessible.

The site plan depicts 38 parking spaces, two of which are handicapped spaces, with an additional 135 spaces in two lots labeled as unpaved overflow and special event parking. Therefore, the parking requirement has been met. Due to the scale of the plans, it is difficult to determine whether the dimensional requirements and other specifications for development of parking facilities (including parking lot landscaping) have been met. Therefore, a revised site plan must be submitted depicting a larger-scale view of the paved parking area in order to review this area for compliance with these standards;

- C. Outside display on the C-3 portion of the site will be prohibited except for crops and parking, which are permitted; and
 - D. No outdoor storage is depicted on the site plan. Should outdoor storage be proposed at a later date, a site plan revision will be required.
12. The subject property is located within the Agua Dulce Community Standards District ("CSD"), as provided in Section 22.44.113 of the County Code. However, as the property is not a residential property and not served by local streets but, rather, a major highway, there are no standards in the CSD that apply to the project.
13. The project will be required to comply with special conditions related to wineries, as provided in Section 22.56.225(A) of the County Code, as follows:
- A. "The winery shall be operated in conjunction with existing vineyards located on the same or adjacent parcels of land owned or leased by the applicant, except that the hearing officer may modify this requirement as long as such parcels are located within five miles of the winery and the winery is not located within one mile of the Santa Monica Mountains National Recreation Area. This distance shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the parcel on which the winery is to be established to the nearest property lines of the vineyards." The winery is proposed to operate in conjunction with the vineyards on the subject property;

- B. "The subject winery and vineyards shall be located on parcels of land with a combined area of not less than five acres. The area used to calculate this minimum acreage shall not include any portion of a parcel with a slope of 50 percent or more. The applicant shall submit a site plan showing the existing topography of the subject properties and delineate any land with a slope of 50 percent or more." The winery and vineyards consist of a total of 90 acres, none of which contains slopes in excess of 50 percent;
- C. "The annual production capacity of the winery shall not exceed 50,000 gallons of wine, of which not less than 50 percent of the wine shall be produced from grapes cultivated on the parcels of land designated on the site plan in satisfaction of findings 10a and 10b. The annual production capacity and storage limits of the winery shall not exceed those specified in the conditions of the permit." The applicant is not proposing to exceed this limitation and will utilize the grapes on the property for production of 95 percent of the wine produced on-site. Additionally, the conditions require that imported grapes may only be obtained from vineyards that are located within 20 miles of the subject property;
- D. "Where approved in the conditional use permit, winery-related incidental visitor-serving uses including, but not limited to the following, may be permitted: (a) the sale of wine produced on the premises; (b) winery tours and wine tasting by appointment only; (c) noncommercial social activities; and (d) noncommercial food service. These visitor-serving uses shall be directly related to and clearly secondary to the winery. Adequate parking, fire protection, water supply, and sanitation facilities for these visitor-serving uses shall be required." Special events shall be limited to wine-tasting events. The project has been reviewed for compliance with parking requirements, fire protection requirements, sustainable water supply, and sanitation and, with implementation of the mitigation measures proposed, all of these requirements will be met;
- E. "Structures for the winery, visitor-serving uses, and/or private waste disposal system shall be located not less than 50 feet from exterior lot lines and 100 feet from any stream banks. They shall be located and designed to minimize adverse impacts to adjoining properties and to minimize water quality impacts to nearby streams, with design features and/or best management practices such as, but not limited to, fences, walls, landscaping, and buffer areas." Both the retail building and the wine-processing building are depicted on the site plan with 150-foot setbacks from the northerly property line and 400-foot setbacks from the southerly property line. The wine processing building is located 450 feet from the easterly property line and 100 feet from Caprock Road;

- F. "Amplified sound and/or live music are prohibited." A mitigation measure has been included in the Mitigation Monitoring Program to reflect this requirement;
 - G. "Sound levels of the winery operations and visitor-serving uses shall comply with noise standards for residential properties as specified in Section 12.08.390." Compliance with this condition will be required;
 - H. "Parking and loading shall be provided in accordance with Part 11 of Chapter 22.52." The site is in compliance with the parking requirement established by the Commission;
 - I. "Operating hours of the winery and, where applicable, visitor-serving uses shall be as specified in the conditions of the permit, recognizing the unique requirements of winery operations during the harvest season." The applicant has proposed hours of operation between 10:00 a.m. and 7:30 p.m. daily except during the harvest season when hours would be from sunrise to sunset. The Board has determined that these hours will not adversely impact the surrounding community;
 - J. "Winery operations, visitor-serving uses, and/or private sewage disposal systems shall be conducted in accordance with applicable Department of Health Services, DPW, and California Regional Water Quality Control Board standards and requirements. In no case shall any waste be treated, stored, or disposed of in a manner that could result in runoff into any surface stream or leach into groundwater." Compliance with this condition will be required; and
 - K. "The conditional use permit shall be contingent upon the applicant obtaining all required permits and complying with all applicable provisions of state and local laws, ordinances, regulations, and policies." Compliance with this condition will be required.
14. Special events, referred to as "temporary uses" in the County Code, are regulated by Part 14 of Chapter 22.56 of the County Code and are limited to six weekends per year. Additionally, temporary uses are required to be sponsored by "a public agency or a religious, fraternal, educational, or service organization directly engaged in civic, charitable, or public service endeavors." Temporary uses include "carnivals, exhibitions, festivals, pageants, and religious observances," "movie on-location filming," and "outside display or sales of goods, equipment, merchandise or exhibits in a commercial zone."

The applicant has requested a maximum of 24 special events per year with a maximum of 200 guests per event. According to the applicant, the special events being requested would be wine club or corporate gatherings or parties which may take place indoors or outdoors and, as such, do not fall into the category of a

temporary use as defined in the Zoning Code. As these types of events are not regulated by the Zoning Code and would be allowed at any time in any zone, the applicant will be permitted to hold 18 such events per year, a maximum of six of which may be temporary uses as defined in the Zoning Code. These events are subject to compliance with the County Noise Ordinance and the prohibition of amplified sound in the Mitigation Monitoring Program. Any use that would be considered a temporary use would also be subject to approval of a temporary use permit.

15. The area labeled "children's area" on the site plan currently contains pens for various farm animals including horses, goats, and sheep. As this area is in the A-1 (Light Agricultural) zone, such use would be permitted pursuant to Section 22.24.070.B of the County Code which states that "the raising of horses and other equine, cattle, sheep, and goats, including the breeding and training of such animals, on a lot or parcel of land having an area of not less than one acre and provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use" is permitted in the A-1 zone. Given the use of the property for vineyards to support the winery, the keeping of animals will be limited to the area labeled "children's area" on the site plan.
16. In response to concerns regarding availability of water to support the winery and vineyards, DPW requested that the applicant prepare and submit a water supply study for review. The study concluded that there is sufficient water to service the winery and vineyards, as proposed, without causing a significant adverse impact on the existing groundwater supply. DPW hired an independent water consultant to conduct a peer review of the applicant's report and the consultant corroborated the report's conclusion. Based on this review, DPW submitted a letter dated December 7, 2004, recommending establishment of limits on the quantity and rate of groundwater extractions. These recommendations have been incorporated into the conditions of approval and these limitations will ensure that the winery and vineyards will not adversely impact water supply in the area.
17. At the September 8, 2004, public hearing before the Planning Commission, Mr. Edward Orchon, an attorney representing unidentified adjacent property owners, testified that one of the wells on the winery property, identified as both SPV-3 and ADV-1 in various documents, was owned by the Sierra Paloma Valley Municipal Water Company and not by the owners of the winery property. Subsequent to his testimony, Mr. Orchon submitted documentation in support of his claims. County Counsel reviewed the documentation and determined that the evidence submitted did not indicate that the well on the winery property was owned by Sierra Paloma Valley Municipal Water Company. Instead, substantial evidence in the record indicates that the well on the winery property is owned by the winery. County Counsel further indicated that groundwater rights in the area

are unadjudicated. Based upon substantial evidence in the record, there is sufficient water, which the winery has demonstrated a right to use, to serve the proposed use without causing a significant impact to existing groundwater supplies.

18. Statistics from the Department of Alcoholic Beverage Control ("ABC") indicate that the census tract in which the property is located is overconcentrated with establishments selling alcoholic beverages for on-site consumption (but not overconcentrated with establishments selling alcoholic beverages for off-site consumption) and that the property is located in a high crime reporting district. There are no sensitive uses within 600 feet of the property and there is one establishment within 500 feet that sells alcoholic beverages – a gas station/convenience store directly north of the winery property which sells a full line of alcoholic beverages for off-site consumption. The Board finds that the sale of alcoholic beverages for on- and off-site consumption on the subject property is necessary for the convenience of the public.
19. The Planning Commission conducted a field trip to the winery property to better understand the relationship between the winery facility and adjacent residential properties and to obtain a more complete understanding of the operation of the facility. No public testimony was taken on the field trip.
20. At the Board of Supervisors' April 5, 2005, hearing on the proposal, no evidence in opposition to the proposal was received.
21. An Initial Study was prepared for this project and circulated for public review in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 *et seq.*) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project on flood hazard, fire hazard, noise, water quality, traffic, utilities, and environmental safety. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record before the Board, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, a Mitigated Negative Declaration has been prepared for this project.
22. Changes in the proposed project or conditions of approval are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The Mitigation Monitoring Program identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts to the

environment is ensured. The Board finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation.

23. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.
24. The project is not *de minimus* in its effect on fish and wildlife resources; therefore, the project is not exempt from California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code.
25. Staff received 654 public comments in relation to this request while it was pending before the Planning Commission. A total of 640 of these comments were in support of the project. The remaining 14 comments were related to concerns regarding amplified sound during special events, noise from generators, adequacy of parking for special events, adequacy of review with respect to traffic impacts and safety, water use and availability, illegal operation of the facility without proper permits, incompatibility with surrounding uses, light spillover onto adjacent properties, establishment of temporary housing for migrant workers on the site, trash from the winery being blown onto adjacent properties, unsightly signs and banners, impact of pesticide use on water quality and waste from wine production. All 14 comments were received prior to the preparation of the water supply study and peer review coordinated by DPW and the conditions of approval will ensure that all of the issues raised will be addressed.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area;

- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. The requested use at the proposed location will not result in an undue concentration of similar premises;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Indicates that it has considered the Mitigated Negative Declaration together with any comments received during the public review process; finds on the basis of the whole record before it that there is no substantial evidence the project, with the inclusion of the identified mitigation measures, will have a significant effect on the environment; finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission; and certifies and adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring Program for the proposal.
2. Approves Conditional Use Permit Case No. 01-241-(5), subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 01-241-(5)

1. This grant authorizes the use of the subject property for vineyards, a winery with accessory uses defined herein, one temporary office trailer, one single-family residence, storage structures, and the sale of wine for on- and off-site consumption, as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8; until all required monies have been paid pursuant to Conditions No. 10 ,11, and 28; and until the applicant has withdrawn, in writing, the pending application for Tentative Tract Map Number 48786 and Conditional Use Permit Number 98-013-(5).
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009, or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Los Angeles County Code Section 2.170.010.

- 6. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested, in writing and with payment of the applicable fee, at least six months before the expiration date.
- 7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
- 8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
- 9. This grant will terminate 15 years following approval of these conditions by the Board. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least three months prior to the expiration of this permit, whether or not any modification of the use is requested at that time, unless an extension is granted pursuant to the following subsections 9a or 9b:
 - a. Upon written application of the permittee made no less than six months prior to the termination date above, the term of this grant may be extended by the Planning Director ("Director") for a period not to exceed five years, as provided herein. The Director shall grant such extension unless it finds one of the following: (1) that the permittee has failed to adhere to the conditions of approval and such failure has not been timely corrected upon written notice thereof; (2) that the use is not or has not been in compliance with all applicable laws and regulations; or (3) that the Director has received more than three complaints in any twelve-month period from the community during the grant period. If any of the foregoing findings are made by the Director, the extension shall be denied and the grant shall terminate and a new conditional use permit will be required; and
 - b. If the term of the grant is extended pursuant to condition 9(a), upon termination of the extension period, the Director may grant a second five-year extension subject to the requirements of condition 9(a). If a second extension is granted

pursuant to this condition, the grant shall terminate at the end of the second extension period and no additional administrative extensions may be granted. If the permittee intends to continue operations after this date, a new conditional use permit application shall be filed with the Department at least six months prior to the termination of the extension period, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$2,250. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 15 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150 per inspection, or the amount equal to the current recovery cost at the time of payment, if that amount is different.

Should an extension be granted by the Director pursuant to Condition No. 9a or 9b, the permittee shall deposit with the County of Los Angeles the sum of \$750 within 30 days of the official date of the Director's granting of the extension. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for five annual inspections per extension period. If the deposit is not made within 30 days, the grant shall terminate. Should an extension be granted by the Director pursuant to Condition No. 9a or 9b, the permittee shall deposit with the County of Los Angeles the sum of \$750 within 30 days of the official date of the Director's granting of the extension. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for five annual inspections per extension period. If the deposit is not made within 30 days, the grant shall terminate.

11. Within five days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount is \$1,275.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if it is found that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the County for all costs incurred in such proceedings.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said department.

18. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A," similar to that presented at the public hearing, that depicts all required project changes, including a plan depicting the main parking area of the property at a scale of at least 1 inch = 10 feet and in compliance with Section 22.52.1060 of the County Code, and an addition of a landscaped buffer at the southern end of the eastern property adjacent to the "children's area" and overflow parking area with a minimum width of 15 feet. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
19. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of signage plans depicting the location, size, and height of all proposed signage, developed in accordance with the requirements of Part 10 of Chapter 22.52 of the County Code.
20. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas of the premises under the permittee's control free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
21. Outdoor storage and display (with the exception of crops and parking) are prohibited on the property. The existing equipment (i.e., tractors behind Sweetwater Drive) shall be removed or hidden from view within 30 days of Board approval of this grant.
22. A minimum of 35 automobile parking spaces shall be provided onsite at all times and shall be developed according to the requirements of Section 22.52.1060 of the County Code. Two of these spaces must be accessible to, designated, and reserved for disabled persons with one of these spaces being van-accessible. A maximum of 14 of the required spaces may be compact spaces. The required parking spaces are to remain clear and free for use by employees and visitors; no supplies or materials may be stored in these spaces. Recreational vehicle parking, storage of inoperable vehicles, and vehicle repair are prohibited on the site. The 100-space special event parking lot depicted south of the retail building shall be paved. The other special event parking lot, containing 35 spaces, shall remain unpaved.
23. The permittee shall post a sign on the subject property in English and the predominant second language in the community with contact telephone numbers for the facility manager and the Department's Zoning Enforcement Section (213-974-6453) for reporting any complaints related to the operation of the facility.

24. Housing for farm workers shall not be provided on the subject property, other than the existing single-family residence.
25. The permittee shall provide and continuously have on file with the Department a contact name and phone number.
26. The permittee shall comply with all recommended conditions set forth in the attached correspondence from the Department of Public Works dated December 7, 2004.
27. The permittee shall comply with all recommended conditions set forth in the attached correspondence from the Fire Department dated April 1, 2003.
28. The permittee shall comply with all of the mitigation measures included in the attached Mitigation Monitoring Program and Project Changes/Conditions due to Environmental Evaluation including submittal of a Mitigation Monitoring deposit in the amount of \$3,000 which shall be required prior to use of the grant and shall be utilized to defray costs associated with staff review and verification of the required mitigation monitoring reports. The mitigation monitoring reports shall be submitted to the Director as follows:
 - a. At the time of building permit issuance for each project phase, including verification of payment of applicable fees;
 - b. Annually; and
 - c. Additional reports as deemed necessary by the Department.
29. The temporary office trailer shall only be permitted on the property during the construction of the new winery building. Upon issuance of a certificate of occupancy for the new winery building, the temporary trailer shall be removed.
30. The permittee shall make good faith efforts to insure that truck traffic to and from the subject property is kept to a minimum. Deliveries shall be made during non-peak traffic hours.
31. Prior to obtaining permits for building or street construction, the permittee shall present its proposed design to the Sierra Paloma Valley Mutual Water Company Board of Directors.
32. The following conditions shall apply to the operation of the winery:
 - a. The winery shall be operated in conjunction with existing vineyards located on the subject property;

- b. The annual production capacity of the winery shall not exceed 50,000 gallons of wine, of which 95 percent of the wine shall be produced from grapes cultivated on the subject property. A maximum of 5 percent of the wine may be produced from grapes not cultivated on the subject property, which grapes may only be obtained from vineyards that are located within 20 miles of the subject property, and the facility may export grapes equivalent to the amount imported, if any. Upon review and approval of the Director, the facility may also process grapes grown within the boundaries of the Agua Dulce Community Standards District to a maximum of 50 percent of total annual production pursuant to Section 22.56.225(A)(3) of the County Code.
- c. Winery-related incidental visitor-serving uses including, but not limited to, the following may be permitted: (a) the sale of wine produced on the premises; (b) winery and vineyard tours and wine tasting by appointment only; (c) noncommercial social activities; and (d) noncommercial food service. These visitor-serving uses shall be directly related to and clearly secondary to the winery. Adequate parking, fire protection, water supply, and sanitation facilities for these visitor-serving uses shall be required;
- d. Structures for the winery, visitor-serving uses, and/or private waste disposal system shall be located not less than 50 feet from exterior lot lines and 100 feet from any stream banks. They shall be located and designed to minimize adverse impacts to adjoining properties and to minimize water quality impacts to nearby streams, with design features and/or best management practices such as, but not limited to, fences, walls, landscaping, and buffer areas;
- e. Sound levels of the winery operations and visitor-serving uses shall comply with noise standards for residential properties as specified in Section 12.08.390;
- f. Operating hours of the winery and visitor-serving uses shall be limited to the hours between 10:00 a.m. and 7:30 p.m. daily, except during harvest season when hours may be extended to between sunrise and sunset;
- g. Winery operations, visitor-serving uses, and/or private sewage disposal systems shall be conducted in accordance with applicable Los Angeles County Department of Health Services, Los Angeles County Department of Public Works, and California Regional Water Quality Control Board standards and requirements. In no case shall any waste be treated, stored, or disposed of in a manner that could result in runoff into any surface stream or leach into groundwater;
- h. This grant shall be contingent upon the applicant obtaining all required permits and complying with all applicable provisions of state and local laws, ordinances, regulations, and policies;

- i. Permanent or temporary seating, except for disabled guests, shall not be provided within the winery. A maximum of six tables may be provided outside the winery buildings for incidental consumption of packaged food and bottles of wine sold on the premises;
- j. All commercial waste associated with the crushing of grapes in connection with the processing of wine shall be trucked off-site for proper disposal;
- k. The processing of wine shall occur entirely within the enclosed wine processing building. Staging for wine processing may occur outside the building provided that County Noise Ordinance limitations are not exceeded;
- l. All vehicles and equipment operating on the subject property shall not exceed speeds of ten miles per hour;
- m. The president of the Sierra Paloma Valley Mutual Water Company shall be provided with written notice no less than four days in advance of the application/spraying of any herbicides, pesticides, or other weed/pest control products. Said notifications shall also identify the product to be applied/sprayed;
- n. There shall be no application/spraying of any herbicides, pesticides, or other weed/pest control products during periods of high winds (i.e., greater than 20 mph averaged over one hour);
- o. The permittee shall employ feasible methods of controlling dust on the premises;
- p. Except for the watering of grape vines, all work in the vineyards shall occur during daylight hours; and
- q. A maximum of two special events may be conducted on the subject property per month, with each special event not exceeding one day in duration, to a maximum of 18 events per year. Special events shall be limited to wine-tasting events (no weddings or carnivals). Special events shall not be permitted on legal holidays. The Sierra Paloma Valley Mutual Water Company Board of Directors shall be notified of all special events at least 14 days in advance. During all special events, security personnel and barricades shall be provided at the permittee's expense on Caprock Road to prevent winery event guests from driving into the Sierra Colony neighborhood. Security personnel shall direct traffic on Sierra Highway to alleviate traffic congestion during events and to assist Sierra Colony residents entering Sierra Highway during special events. Condition No. 33a shall not apply to these events. A maximum of 200 guests shall be permitted per special event. A maximum of six of these events may be

temporary uses as defined in Section 22.56.1835 in the County Code and any events classified as temporary uses shall be subject to the approval of a temporary use permit.

- r. The keeping of animals on the site, as permitted in Section 22.24.070.B of the County Code, shall be limited to the area labeled "children's area" on the site plan. Such area shall not be expanded beyond 16,200 square feet.
 - s. The permittee shall, for the life of this grant, retain the dedicated easement over the property identified as APN Number 3213-016-034 to provide access between the two subject parcels. Grapes from the property identified as APN Number 3213-016-033 (the westerly subject property) shall be transported to the winery processing building via said easement and shall not be transported via Sierra Highway or any other public street.
33. The following conditions shall apply to the sale of alcoholic beverages for on- and off-site consumption:
- a. The permittee shall not permit on-site consumption of alcoholic beverages in areas of the property outside of the winery buildings with the exception of designated tables and in conjunction with consumption of packaged food sold on the premises. A maximum of six tables may be provided for this purpose, which shall be strictly incidental to winery operations;
 - b. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the winery buildings or at any location on the winery premises visible from off-site with the exception of approved free-standing signs along Sierra Highway. No self-illuminating advertising for alcoholic beverages shall be located on the building walls or windows;
 - c. There shall be no loitering permitted outside the winery buildings;
 - d. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages outside the winery buildings except as authorized in Condition No. 31a and also prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;

- e. The permittee shall provide adequate lighting for the parking lot area. Said lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. Lighting shall be of low intensity and directed downward to minimize impacts to adjacent properties;
- f. The permittee shall provide adequate lighting above the entrance of the winery buildings. Said lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises;
- g. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area(s) in the retail building;
- h. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment in the winery buildings;
- i. The winery buildings shall have no coin-operated amusements, such as small carousel rides or similar riding machines, with the exception of official state lottery machines;
- j. No dance floor is permitted;
- k. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Department of Regional Planning zoning inspector, or a State Alcoholic Beverage Control ("ABC") investigator. The winery manager and all employees of the winery shall be knowledgeable of the conditions herein;
- l. All servers of alcoholic beverages must be at least 18 years old;
- m. The placement of portable signs on sidewalks adjacent to the licensed premises is prohibited;
- n. Wine shall not be dispensed for on-site consumption other than for wine-tasting purposes incidental to winery tours or for special events;
- o. The licensee and all managers and employees of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the ABC. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;

- p. The permittee shall adhere to all ABC regulations;
 - q. The sale of alcoholic beverages shall be limited to the sale of wine processed in the on-site winery;
 - r. There shall be no wine sold in containers of less than 750 milliliters. No miniatures of any type may be sold;
 - s. No ice in quantities of less than two pounds shall be sold, furnished, or given away;
 - t. Alcoholic beverages shall not be displayed within five feet of the cash register or the front door, unless it is in a permanently affixed cooler; and
 - u. Alcoholic beverages shall not be displayed from an ice tub.
34. The following conditions shall apply to project construction activities:
- a. All material graded should be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering should occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - b. Project construction activity shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby offices, residences, and neighborhoods. Generators and pneumatic compressors shall be noise-protected in a manner that will minimize noise inconvenience to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the north and west of the subject property, as approved by the Director; and
 - c. During construction, the permittee and his contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.

Attachments:

Department of Public Works letter dated December 7, 2004

Fire Department letter dated April 1, 2003

Project Changes/Conditions due to Environmental Evaluation

Mitigation Monitoring Program

Post-It® Fax Note	7671	Date	12/7	# of pages	3
To	KEVIN JOHNSON	From	DENNIS HUNTER		
Co./Dept.		Co.			
Phone #		Phone #	(626) 458-4949		
Fax #	(213) 626-0434	Fax #			

December 7, 2004

TO: Russell Fricano
Zoning Permits Section I
Department of Regional Planning

FROM: Dennis Hunter 
Land Development Division

**CONDITIONAL USE PERMIT NO. 01-241
AGUA DULCE WINERY**

We have reviewed the subject case in the Agua Dulce area, in the vicinity of Sierra Highway (9640 Sierra Highway) and Caprock Road. This case is to allow the expansion of an existing winery with additional accessory facilities.

We recommend the following revised conditions based on the direction of the Regional Planning Commission:

Road

1. Dedicate right of way 50 feet from centerline on Sierra Highway per FM 10597-1 if not already dedicated. Twenty feet of additional right of way is required along portions of the property frontage.
2. Dedicate the right to restrict vehicular access on Sierra Highway along the property frontage if not already dedicated.
3. Make an offer of private and future right of 32 feet wide along the most southerly property line on West Lagos Road.
4. Make an offer of future right of way 32 feet from centerline on Shortline Way.
5. Provide standard property line return radii of 13 feet at all street intersections.
6. Dedicate slope easements on Sierra Highway, West Lagos Road and Shortline Way for future road widening to the satisfaction of Public Works.

Russell Fricano
November 16, 2004
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7. Construct pavement widening and transitions on Sierra Highway in the vicinity of the driveway to provide a striped left-turn lane to the satisfaction of Public Works. This road improvement is an interim measure to be constructed until such time as full width highway improvements are funded and construction planned as provided in Condition No. 11, below.
8. Construct road drainage structures along Sierra Highway at existing side drain locations to the satisfaction of Public Works.
9. Provide signing and striping plans on Sierra Highway to the satisfaction of Public Works.
10. Relocate all private irrigation lines from existing and dedicated road right of way to the satisfaction of Public Works, or obtain an encroachment permit with appropriate liability insurance, if necessary, to guarantee repair of road settlement caused by leaking irrigation lines.
11. Within 120 days of notification by the Department of Public Works, enter into a written agreement with the County of Los Angeles, whereby the applicant of this Conditional Use Permit (CUP) agrees to issue a letter of credit to fully guarantee their fair share cost for full width highway improvements along the project's commercially zoned property frontage on Sierra Highway. This notification will only occur if the Department of Public Works plans to fund and construct full width highway improvements along adjacent portions of Sierra Highway, or if adjacent property is conditioned to improve Sierra Highway to full width highway standards as part of a land use permit approved by the Advisory Agency. Failure to comply with this condition shall be cause for initiation of CUP revocation proceedings. The future full width highway improvements include:
 - Curb and gutter located 42 feet from centerline
 - Pavement widening
 - Sidewalk, 8 feet wide
 - Street lights
 - Street trees
 - Undergrounding utilities

Drainage

1. Comply with the approved drainage concept/SUSMP plan dated July 23, 2003, to the satisfaction of Public Works.

Russell Fricano
November 16, 2004
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Water Supply

1. Groundwater extractions for all uses under Conditional Use Permit (CUP) No. 01-241 shall not exceed 57 AF per year. Annual report to be submitted to Regional Planning.
2. Maximum pumping for water extractions for all uses under CUP No. 01-241 shall not exceed 250 gallons per minute. Annual report to be submitted to Regional Planning.
3. The applicant shall use, to the maximum extent possible, reclaimed water when it becomes available from a Wastewater Treatment Plant in the Agua Dulce vicinity.
4. Grant an easement to SPV Mutual Water Company for the water system appurtenances at the southwest corner of Sierra Highway and Caprock Road within 60 days after approval of this permit.

Wastewater Disposal

5. Provide sewer and pump station easements, as necessary, when a Wastewater Treatment Plant is available to serve Tract No. 34038. The dry sewers for Tract No. 34038 currently end in Euler Road at the CUP No. 01-241 site boundary. The size and location of the easements shall be to the satisfaction of Public Works.

DH:ca

P:\LDPUB\TRANS\CUPS\CUP 01-241\EXPANSION EXISTING WINERY. REVISED ROAD CONDITIONS.DOC

cc: Traffic and Lighting (Abdelhadi, Richards, Lau)



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

RP/ZP

DATE: April 1, 2003
TO: Department of Regional Planning
Permits and Variances
SUBJECT: C.U.P. 01-241
LOCATION: 9640 Sierra Highway, Agua Dulce

- ☐ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is _____ gallons per minute for _____ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install _____ Public and/or _____ On-site and/or _____ Upgrade/Verify 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ Comments: Based on the submitted architectural drawings for the proposed winery, the required water tank for fire suppression purposes shall be a minimum of 55,000 gallons. Additional gallonage shall be provided for irrigation and domestic needs.

The water tank shall be provided with a minimum 6' diameter line feeding a standard (6"X4"X2 1/2") fire hydrant. See map for specific hydrant locations.

The required water tank shall not be located at a grade lower than the access roadway serving the structure.

The existing residence shall provide verification of water supply and interior fire sprinkler system.

The three existing mobile homes shall provide for adequate water supply (tank or tanks) and provide approved fire sprinkler system for each unit. Placement of an approved water tank outlet shall be determined to provide exterior fire protection in the event of a fire. The required water tank for these three units with the additional barn shall be determined upon receipt of the following information:

Provide information regarding the construction, building height (wall height and roof height) of the existing barn. If there is an existing water tank indicate its size, location and location of the fire department connection.

☐ Location:

☒ Access: Access to the proposed winery shall be a minimum width of 26' all weather access, clear to the sky, all turning radii shall be a minimum of 32' on the centerline. Indicate compliance on the site plan.

The existing residence shall provide for 20' of all weather access, clear to the sky. An approved fire department turnaround shall be provided at the residence. Indicate compliance on the site plan.

The proposed location of the three mobile homes with an existing barn shall be provided with 26' of all weather vehicular access, clear to the sky. Indicate compliance on the site plan and resubmit.

☒ Special Requirements: Indicate time line for the proposed temporary trailers by the existing winery.

Provide verification from the current water purveyor that they service the existing fire hydrant located on Sierra Highway, adjacent to the existing winery.

Additional requirements may be necessary, pending the requested information.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: *Janna Masi*

Co.CUP 6/02

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



**PROJECT MITIGATION MEASURES
DUE TO ENVIRONMENTAL EVALUATION**

James E. Hunt, AICP
Director of Planning

Project: CUP 01-241

The Department of Regional Planning (DRP) staff has determined that the following mitigation measures for the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

The permittee shall deposit the sum of \$3000.00 with the Department of Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

1. Applicant shall comply with the NPDES requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works (DPW).
2. Prior to any construction, renovation, or addition of any new structures, the feasibility of installing a new private sewage disposal system shall be demonstrated in accordance with the feasibility guidelines established by the Department of Health Services (DHS) and all other applicable laws. Competency of the existing on-site sewage disposal system as to its structural integrity, operational condition and efficacy for continued use shall be demonstrated to DHS if the existing system is planned to be utilized in conjunction with new system. Official design and/or installation approval documents shall be submitted to insure that the existing on-site sewage disposal system was installed according to applicable plumbing code requirements. Authorization from California Regional Water Quality Control Board for the proposed commercial usage of the existing private sewage disposal system shall be submitted to DHS.
3. If public sewer connection is available within 200 feet of any part of the proposed winery development, all future sewage drainage and piping from any building shall be connected to the public sewage disposal system.
4. Prior to the issuance of building permit, availability of an adequate sustainable supply of potable water from an approved source in compliance with the California Safe Drinking Act and the Los Angeles County Code Title 11, 11.38.130 and 11.38.40 shall be established.
5. Applicant shall obtain a public water supply system approval from the DHS and maintain the system in compliance with all conditions stipulated in that small public water supply system permit and all other applicable codes thereafter.

Raw

6. All outdoor noise generating equipment associated with wine production shall be equipped with noise reduction controls. Generators, power boxes, wine vats, and compressors shall be placed as far away from residential locations as possible and shall be enclosed with proper noise insulating materials to the satisfaction of the Department of Health Services.
7. The current use of onsite generator to power all the electrical shall be abandoned and removed from the site within 60 days of approval of the CUP.
8. Parking areas shall be placed adjacent to the highway and away from residential areas.
9. The use of outdoor amplified sound system shall be prohibited.
10. Applicant shall divert a minimum of 50 percent of construction and demolition waste from disposal. After project completion, applicant shall submit reports to the Environmental Programs Division of the DPW detailing the volume of waste generated, recycled, and disposed of in landfills and/or transformation facilities, and the percentage of total waste that is recycled.
11. All organic waste products including grape stems, seeds, and skins generated by the project shall be disposed at a licensed composting facility.
12. Should any operation within the subject property include the construction, installation, modification, or removal of industrial waste control or disposal facilities, applicant shall obtain required approvals and operating permits from the Environmental Programs Division of the DPW prior to its implementation. Prior to the issuance of a building permit, applicant shall contact the Environmental Programs Division of the DPW to determine if an Industrial Waste Permit is required.
13. Prior to the issuance of a building permit, applicant shall modify Sierra Highway to provide safe access into and safe egress from the project site to the satisfaction of the DPW. Applicant shall submit a detailed striping plans along the project frontage to the Traffic Design Section of the DPW for their review and approval prior to the issuance of a building permit.
14. Construction related truck trips on State highways shall be limited to off-peak commute periods.
15. The proposed project shall minimize all impermeable surfaces and incorporate permeable paving wherever feasible to maximize infiltration of local rainfall on the project site, eliminate incremental increase in flows to the storm drain system and provide filtering of flows to capture contaminants originating from the project site.
16. In order to protect existing water quality, promote water recharge, and maintain environmental visual qualities, applicant shall use innovative technologies wherever feasible for the parking spaces and driveways, such as porous pavement, gravel/unpaved travel surface, and provide tree shade coverage of parking spaces.



17. Pesticides shall not be used or stored onsite.
18. Prior to the issuance of a building permit, applicant shall pay a developer fee or an in-kind consideration in lieu of developer fees to the Los Angeles County Fire Department (LACFD), to provide funds for fire protection facilities, which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures shall be required.
19. Development of proposed project shall comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and hydrants to the satisfaction of the LACFD prior to the issuance of a building permit.
20. Prior to any construction, applicant shall submit a fuel modification plan, a landscape plan, and an irrigation plan to LACFD for their review and approval. The landscape plan shall also be submitted to the Department of Regional Planning for review and approval. Applicant shall provide landscaping along Sierra Highway with native trees and vegetation to minimize view of the proposed building.
21. Prior to the issuance of a building permit, applicant shall comply with all requirements of the drainage concept/SUSMP that was conceptually approved on July 23 2003 to the satisfaction of the DPW.
22. Prior to the issuance of a building permit, applicant shall submit plans to provide for contributory drainage from adjoining properties and for the proper distribution of drainage to the DPW for their review and approval.
23. Prior to the issuance of a building permit, applicant shall comply with the Storm Water Mitigation Plan (SWMP) requirements to the satisfaction of the DPW.
24. Prior to the issuance of a grading or building permit, applicant shall submit a grading plan and soil and geology report to the DPW for their review and approval.
25. The applicant shall ensure that appropriate Best Management Practices are in place during demolition and construction periods to prevent polluted runoff from entering into storm drains.
26. Groundwater extractions for all uses under CUP 01-241 shall not exceed 57 AF per year and the maximum pumping for water extractions for all uses shall not exceed 250 gallons per minute. Applicant shall submit an annual report to DRP.
27. The applicant shall use, to the maximum extent possible, reclaimed water when it becomes available from a Wastewater Treatment Plant in the Agua Dulce vicinity.



Prior to the issuance of a grading or building permit, applicant shall submit a grading plan and soil and geology report to the DPW for their review and approval.	Project Applicant	Submittal and approval of grading plan and soil and geology report	DPW	Prior to issuance of a grading or building permit
Fire Prior to the issuance of a building permit, applicant shall pay a developer fee or an in-kind consideration in lieu of developer fees to the Los Angeles County Fire Department (LACFD), to provide funds for fire protection facilities, which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures shall be required.	Project Applicant	Submit developer fees	LACFD	Prior to issuance of building permit
Prior to any construction, applicant shall submit a fuel modification plan, a landscape plan, and an irrigation plan to LACFD for their review and approval. The landscape plan shall also be submitted to the Department of Regional Planning for review and approval. Applicant shall provide landscaping along Sierra Highway with native trees and vegetation to minimize view of the proposed building.	Project Applicant	Submittal and approval of fuel modification plan, landscape plan, and an irrigation plan	LACFD DRP	Prior to any construction activity
Development of proposed project shall comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and hydrants to the satisfaction of the LACFD prior to the issuance of a building permit.	Project Applicant	Comply with codes and ordinances	LACFD	Prior to the issuance of building permit

Noise All outdoor noise generating equipment associated with wine production shall be equipped with noise reduction controls. Generators, power boxes, wine vats, and compressors shall be placed as far away from residential locations as possible and shall be enclosed with proper noise insulating materials to the satisfaction of the Department of Health Services.	Project Applicant	Implement noise reduction controls	DHS	During operation
	Project Applicant	Abandon use of generator	DHS	Within 60 days of CUP approval
	Project Applicant	Outdoor amplified sound system shall be prohibited	DHS	During operation
	Project Applicant	Parking areas shall be placed away from residential areas.	DHS	During operation
Water Quality Compliance with NPDES requirement of the CRWQCB and the DPW	Project Applicant	Acquire NPDES Permit	CRWQCB DPW	Prior to the issuance of grading permit
The proposed project shall minimize all impermeable surfaces and incorporate permeable paving wherever feasible to maximize infiltration of local rainfall on the project site, eliminate incremental increase in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.	Project Applicant	Minimize impermeable surfaces	DPW	Prior to the issuance of a building permit

<p>Prior to any construction, renovation, or addition of any new structures, the feasibility of installing a new private sewage disposal system shall be demonstrated in accordance with the feasibility guidelines established by the Department of Health Services (DHS) and all other applicable laws. Competency of the existing on-site sewage disposal system as to its structural integrity, operational condition and efficacy for continued use shall be demonstrated to DHS if the existing system is planned to be utilized in conjunction with new system. Official design and/or installation approval documents shall be submitted to insure that the existing on-site sewage disposal system was installed according to applicable plumbing code requirements. Authorization from California Regional Water Quality Control Board for the proposed commercial usage of the existing private sewage disposal system shall be submitted to DHS.</p>	Project Applicant	Furnish documentation and demonstrate feasibility of the new private septic system	DPW	Prior to any construction activity
<p>At the time of construction, if public sewer connection is available within 200 feet of any part of the proposed winery development, all future sewage drainage and piping from any building shall be connected to the public sewage disposal system.</p>	Project Applicant	Connection to public sanitary sewer system if available within 200 feet of property line	DHS	At the commencement of construction
<p>Prior to the issuance of building permit, availability of an adequate sustainable supply of potable water from an approved source in compliance with the California Safe Drinking Act and the Los Angeles County Code Title 11, 11:38.130 and 11:38.140 shall be established.</p>	Project Applicant	Demonstrate availability of adequate sustainable supply of potable water	DHS	Prior to the issuance of a building permit
<p>Applicant shall obtain a public water supply system approval from the DHS and maintain the system in compliance with all conditions stipulated in that small public water supply system permit and all other applicable codes thereafter.</p>	Project Applicant	Obtain public water supply system permit	DHS	Prior to the issuance of a building permit

<p>Traffic</p> <p>Prior to the issuance of a building permit, applicant shall modify Sierra Highway to provide safe access into and safe egress from the project site to the satisfaction of the DPW. Applicant shall submit a detailed striping plans along the project frontage to the Traffic Design Section of the DPW for their review and approval prior to the issuance of a building permit.</p>	Project Applicant	Submittal and approval of striping plans for modification of Sierra Highway	DPW	Prior to the issuance of a building permit
<p>Construction related truck trips on State highways shall be limited to off-peak commute periods.</p>	Project Applicant	Truck trips limited to off-peak commute periods	DRP	During construction
<p>Utilities</p> <p>Applicant shall divert a minimum of 50 percent of construction and demolition waste from disposal. After project completion, applicant shall submit reports to the Environmental Programs Division of the DPW detailing the volume of waste generated, recycled, and disposed of in landfills and/or transformation facilities, and the percentage of total waste that is recycled.</p>	Project Applicant	Divert construction and demolition waste	DPW	During construction
<p>All organic waste products including grape stems, seeds, and skins generated by the project shall be disposed at licensed a composting facility.</p>	Project Applicant	Organic waste shall be disposed at composting facility	DRP	During operation
<p>Should any operation within the subject property include the construction, installation, modification, or removal of industrial waste control or disposal facilities, applicant shall obtain required approvals and operating permits from the Environmental Programs Division of the DPW prior to its implementation. Prior to the issuance of a building permit, applicant shall contact the Environmental Programs Division of the DPW to determine if an Industrial Waste Permit is required.</p>	Project Applicant	Obtain approvals and operating permits for industrial waste control or disposal facilities	DPW	Prior to the issuance of building permit and during operation

Groundwater extractions for all uses under CUP 01-241 shall not exceed 57 AF per year and the maximum pumping for water extractions for all uses shall not exceed 250 gallons per minute. Applicant shall submit an annual report to DRP.	Project Applicant	Submittal of annual report	DRP	Annually during operation
The applicant shall use, to the maximum extent possible, reclaimed water when it becomes available from a Wastewater Treatment Plant in the Agua Dulce vicinity.	Project Applicant	Utilize reclaimed water when available	DRP	During operation
Applicant shall grant an easement to Sierra Paloma Valley (SPV) Mutual Water Company for the water system appurtenances at the southwest corner of Sierra Highway and Caprock Road within 60 days after approval of this permit.	Project Applicant	Grant easement	DRP	Within 60 days after approval of CUP permit
Environmental Safety The three proposed trailers shall be in compliance with all state and local codes and regulations.	Project Applicant	Utilize code compliance trailers	DRP	During operation
Mitigation Compliance As a means of ensuring compliance of the above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting annual mitigation compliance report to the DRP for review, and for replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed	Project Applicant and Subsequent Owner(s)	Submittal of annual mitigation compliance report; replenishing mitigation monitoring account	DRP	Annually until such time as all mitigation measures have been implemented and completed

Key:

DHS	= Los Angeles County Department of Health Services
DPW	= Los Angeles County Department of Public Works
DRP	= Los Angeles County Department of Regional Planning
CRWQCB	= California Regional Water Quality Control Board
LACFD	= Los Angeles County Fire Department
NPDES	= National Pollution Discharge Elimination System
SPV	= Sierra Paloma Valley Mutual Water Company
SUSMP	= Standard Urban Stormwater Mitigation Plan
SWMP	= Storm Water Mitigation Plan